

Maine Revised Statutes
Title 38: WATERS AND NAVIGATION
Chapter 24: SOLID WASTE MANAGEMENT AND
RECYCLING HEADING: PL 1995, c. 465, Pt. A, §26 (rpr)

§2174. LOCAL INSPECTION AND ENFORCEMENT

1. Certification.

[1993, c. 355, §62 (RP) .]

2. Information. The host municipality of a solid waste disposal facility has a right to all information from the department and the bureau pursuant to Title 1, chapter 13, subchapter 1. All information provided under this subsection must be made available to the citizen advisory committee and the public by the host municipality.

A. The commissioner shall provide all of the following information to the municipal officers of the host municipality:

- (1) Copies of any inspection report of the facility within 5 working days of the preparation of the report;
- (2) Prompt notification of all enforcement or emergency orders for those facilities, including, but not limited to, abatement orders, cessation orders, final civil penalty assessments, consent orders and decrees and notices of violation;
- (3) Copies of all air, soil and water quality monitoring data collected by the commissioner at such facilities, including leachate and ash testing results, within 5 working days after complete laboratory analysis becomes available to the commissioner; and
- (4) Copies of all analyses of the data under subparagraph (3). [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §292 (AMD).]

B. The operator of the facility shall provide the host municipality copies of all air, soil and water quality monitoring data, including leachate and ash testing results, conducted by or on behalf of the operator, within 5 days after that information becomes available to the operator. [1989, c. 585, Pt. A, §7 (NEW) .]

C. The municipality shall provide all of the following information to the commissioner:

- (1) Copies of any inspection report of the facility within 5 working days of the preparation of the report;
- (2) Prompt notification of all enforcement or emergency orders for those facilities, including, but not limited to, abatement orders, cessation orders, final civil penalty assessments, consent orders and decrees and notices of violation;
- (3) Copies of all air, soil and water quality monitoring data collected by the municipality at such facilities, including leachate and ash testing results, within 5 working days after complete laboratory analysis becomes available to the municipality; and
- (4) Copies of all analyses of the data under subparagraph (3). [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §292 (AMD).]

[2011, c. 655, Pt. GG, §55 (AMD); 2011, c. 655, Pt. GG, §70 (AFF) .]

3. Inspection; emergency orders.

[1993, c. 680, Pt. A, §38 (RP) .]

4. Commissioner inspections. Whenever any host municipality notifies the commissioner of an order issued pursuant to a local permit requirement under section 2173 and gives the commissioner reason to believe that any solid waste disposal facility is in violation of any law or regulation administered by the department, or any order or the condition of any permit issued pursuant to any law or rule administered by the department, the commissioner shall promptly conduct an inspection of the facility.

If the commissioner finds that there is insufficient information to believe that there is a violation, the commissioner shall, within 10 working days of a municipality's request for an inspection, provide to the municipality a written explanation of the commissioner's decision not to conduct an inspection.

[1993, c. 310, Pt. B, §8 (AMD) .]

SECTION HISTORY

1989, c. 585, §A7 (NEW). 1989, c. 890, §§A40,B292 (AMD). 1993, c. 310, §B8 (AMD). 1993, c. 355, §62 (AMD). 1993, c. 680, §A38 (AMD). 1995, c. 656, §A54 (AMD). 2011, c. 655, Pt. GG, §70 (AMD). 2011, c. 655, Pt. GG, §55 (AMD).

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